



ATTORNEY DOCKET NO.: 2003028-0050 (Ariad 393A US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yang et al. Examiner: Kifle
Serial No.: 09/645,967 Art Unit: 1624
Filing Date: August 24, 2000
Title: 28-EPIRAPALOGS

*Fee Purpose
Only*

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

Responsive to the Office Action mailed February 3, 2004, Applicant requests entrance of the following Amendment and consideration of the following Remarks.

The present Response is timely filed on August 3, 2004 since a Petition for a three (3) month extension of time from May 3, 2004 to and including August 3, 2004 is being filed herewith. Please charge any additional fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this Response.

Remarks begin on page 17 of this Response.

08/11/2004 GTRAMMEL 00000006 031721 09645967

01 FC:2202 18.00 DA
02 FC:2201 258.00 DA

limitations of base claim 1. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

(vi) Claims 84-88

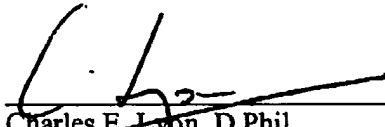
The Examiner states that it is improper for claims 84-88 to add additional limitations to base claims 81-83 since these claims are species claims. Applicant respectfully disagrees with this rejection; however, for the sole purpose of expediting prosecution of this case towards allowance, claims 84-88 have been re-written in independent format. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion:

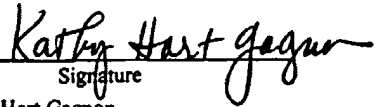
For the reasons presented above, it is submitted that the pending claims are allowable. If the Examiner feels that a telephone interview would expedite the prosecution of this case towards allowance he is invited to contact the undersigned at 617-248-4793. In addition, please charge any fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Respectfully submitted,

Dated: August 3, 2004


Charles E. Lynn, D.Phil.
Agent for Applicant
Limited Recognition Under 37 CFR §10.9(b)

PATENT GROUP
CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
Tel: (617) 248-5000
Fax: (617) 248-4000

| | |
|--|--|
| Certificate of Mailing | |
| I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | |
| August 3, 2004 |  |
| Date | Signature |
| Kathy Hart Gagnon | |
| Typed or Printed Name of person signing certificate | |